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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/800,298	03/12/2004	James F. McGuckin JR.	1263

Rex Medical  
 Suite 2  
 2023 Summer St.  
 Stamford, CT 06905

CONFIRMATION NO. 8250

## FORMALITIES LETTER



\*OC000000012822304\*

Date Mailed: 06/01/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/28/2004 HLE333 00000078 501567 10800298

FILED UNDER 37 CFR 1.53(b)

01 FC:2051 65.00 DA

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
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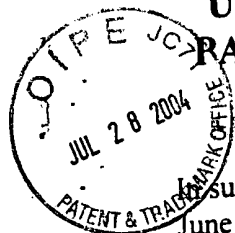
*A copy of this notice **MUST** be returned with the reply.*

msr  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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In support of its 21<sup>st</sup> Century Strategic Plan goal of increased patent e-Government, beginning in June 2004, the United States Patent and Trademark Office (Office or USPTO) will begin the phase-in of its E-Patent Reference program and hence will: (1) **provide downloading capability of the U.S. patents and U.S. patent application publications cited in Office actions** via the E-Patent Reference feature of the Office's Patent Application Information Retrieval (PAIR) system; and (2) **cease mailing paper copies of U.S. patents and U.S. patent application publications with Office actions** (in applications and during reexamination proceedings) except for citations made during the international stage of an international application under the Patent Cooperation Treaty (PCT). In order to use the new E-Patent Reference feature applicants must: (1) obtain a digital certificate and software from the Office; (2) obtain a customer number from the Office; and (3) properly associate patent applications with the customer number. Alternatively, copies of all U.S. patents and patent application publications can be accessed without a digital certificate from the USPTO web site, from the USPTO Office of Public Records, and from commercial sources. The Office will continue the practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of cited references will continue to be provided by the USPTO for international applications during the international stage.

## Schedule

June 2004  
July 2004  
August 2004

TCs 1600, 1700, 2800 and 2900  
TCs 3600 and 3700  
TCs 2100 and 2600

All U.S. patents and U.S. patent application publications are available on the USPTO web site. However, a simple system for downloading the cited U.S. patents and patent application publications has been established for applicants, called the E-Patent Reference system. As E-Patent Reference and Private PAIR require participating applicants to have a customer number, retrieval software and a digital certificate, all applicants are strongly encouraged to contact the Patent Electronic Business Center to acquire these items. To be ready to use this system by June 1, 2004, contact the Patent EBC as soon as possible by phone at 866-217-9197 (toll-free), 703-305-3028 or 703-308-6845 or electronically via the Internet at [ebc@uspto.gov](mailto:ebc@uspto.gov).

## **Other Options**

The E-Patent Reference function requires the applicant to use the secure Private PAIR system, which establishes confidential communications with the applicant. Applicants using this facility must receive a digital certificate, as described above. Other options for obtaining patents which do not require the digital certificate include the USPTO's free Patents on the Web program (<http://www.uspto.gov/patft/index.html>). The USPTO's Office of Public Records also supplies copies of patents for a fee (<http://ebiz1.uspto.gov/oems25p/index.html>). Commercial sources also provide U.S. patents and patent application publications.

*For complete instructions see the Official Gazette Notice, USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES, on the USPTO web site.*



Docket No. 1263

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: James F. McGuckin, Jr., et al

Serial No.: 10/800,298

Group Art Unit: 3731

Filed: March 12, 2004

Examiner: Unknown

For: DISTAL PROTECTION DEVICE

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

Date of Deposit: 7/26/04

I hereby certify that the following:

- ☒ This Certificate of Mailing
- ☒ Declaration of Power of Attorney for Patent Application
  - ☒ executed ☐ unexecuted
- ☒ Assignment ☒ executed ☐ unexecuted
- ☒ Assignment Recordation Sheet
- ☒ Response to Notice to File Missing Parts of Non-Provisional Application
- ☒ Return postcard

are being deposited with the United States Postal Service first class mail on the Date of Deposit indicated above in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
\_\_\_\_\_

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Docket No.: 1263

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James F. McGuckin, Jr., et al

Serial No.: 10/800,298

Examiner: Unknown

Filed: March 12, 2004

Art Unit: 3731

For: DISTAL PROTECTION DEVICE

Commissioner For Patents  
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Alexandria, Va. 22313-1450

RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION-FILING DATE GRANTED

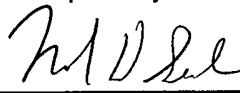
Sir:

In response to the Notice of File Missing Parts of Application – Filing Date Granted, dated June 1, 2004, Applicant(s) encloses herewith a properly executed original Declaration and Assignment in compliance with 37 C.F.R. 1.63. Please charge the required fee of \$65.00, and any fee deficiencies, to cover the surcharge under 37 C.F.R. 1.16(e) to Deposit Account No. 501567.

In the event any extensions of time are required, please treat this paper as a petition to extend the time as required and charge Deposit Account No. 501567. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

Dated: 7/26/04

By:   
Neil D. Gershon  
Reg. No. 32,225  
Attorney for Applicant

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